

REMARKS

Claims 25-30 are pending in the application. Entry of amended claim 25 and favorable reconsideration of this application in light thereof is respectfully requested. Claim 25 has been amended to clarify that the support platform remains statically stable with respect to tipping in the fore-aft and the lateral plane while the pivot element tilts, as evident in the embodiment of Fig. 5. No new matter has been added, and no further search should be required.

Information Disclosure Statement

The office action indicates that reference DE 10209093 cited in the Information Disclosure Statement dated February 28, 2005 has been placed in the application file, but that the information referred to therein has not been considered. Applicant notes that DE 0209093 published on September 18, 2003, which is after the subject application's filing date of July 11, 2003. Accordingly, DE 0209093 is not a prior art reference under United States patent law.

35 U.S.C. §102(b)

Claims 25-28 stand rejected under 35 U.S.C. §102(b) as being anticipated by Jorgensen et al. (U.S. Pat. No. 6,003,624, hereinafter Jorgensen). Claim 25 has been amended to require, in part, a user interface for causing a tilt of the pivot element *while the support platform remains statically stable with respect to tipping in the fore-aft and the lateral plane* (emphasis added).

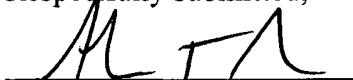
Jorgensen discloses a vehicle 10 having a chair 20 pivotally mounted to a frame 16, with the frame 16 further pivotally mounted to a wheel assembly 12 (see Jorgensen at col. 4, line 52 to col. 5, line 3). Upon entering "on mode" via a controller 36, the chair 20 and frame 16 in Jorgensen pivot, such that the vehicle 10 pops a "wheelie" (see Jorgensen at col. 5, lines 17-28).

However, active stabilization in Jorgensen is required to keep the chair 20 balanced when in the "on mode" (see Jorgensen at col. 5, lines 25-28). This is very different from the requirement of amended claim 25, which requires a user interface for causing a tilt of the pivot element while the support platform remains statically stable with respect to tipping in the fore-aft and the lateral plane. Since Jorgensen does not teach a required limitation of the embodiment of amended claim 25, Jorgensen cannot anticipate amended claim 25. Claims 26-30, which depend from amended claim 25 and add further limitations, are likewise not anticipated by Jorgensen.

It is believed that the application is in condition for allowance. Consideration of the application and issuance of a notice of allowance are respectfully requested. Applicant believes that no extension of time is required; however, this conditional petition is being made to provide for the possibility that the applicant has inadvertently overlooked the need for an extension of time. If any additional fees are required for the timely consideration of this application, please charge deposit account number 19-4972.

If the Examiner has any questions as to the allowability of the currently pending claims or if there are any defects which need to be corrected, the Examiner is invited to speak to the Applicants' counsel at the telephone number given below.

Respectfully submitted,



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